

only by court order, on terms that the court considers proper.” Fed. R. Civ. P. 41(a)(2). The purpose of Rule 41(a)(2) is “to allow voluntary dismissals unless the parties will be unfairly prejudiced.” Howard v. Inova Health Care Servs., 302 F. App’x 166, 178 (4th Cir. 2008) (citation omitted). In determining whether to allow a motion to dismiss without prejudice, the Court should consider such factors as “[1] the opposing party’s effort and expense in preparing for trial, [2] excessive delay and lack of diligence on the part of the movant, and [3] insufficient explanation of the need for a voluntary dismissal, as well as [4] the present stage of litigation.” Id. at 179 (citing Miller v. Terramite Corp., 114 F. App’x 536, 540 (4th Cir. 2004) (internal quotation marks omitted)).

Because the United States has responded to the § 2241 Petition, the instant Motion will be considered pursuant to Rule 41(a)(2). Upon considering the record in this case and the relevant factors, the Court finds that voluntary dismissal is appropriate. Although this case has been pending since April 2024 and the United States has responded to the Petition, it appears that the pro se Petitioner is attempting to act in good faith by acknowledging that the action should be dismissed and, as noted *supra*, the United States has not opposed the Petitioner’s Motion. The Court thus concludes that granting the Petitioner’s Motion serves the interests of justice and judicial economy. Accordingly, the Petitioner’s “Motion to Withdraw...” will be granted and the pending Motion to Dismiss will be denied as moot.

IT IS THEREFORE ORDERED that the Petitioner’s “Motion for Withdraw Motion 2241” [Doc. 20] is **GRANTED** and this action is **DISMISSED WITHOUT PREJUDICE**.

The United States’ Motion to Dismiss [Doc. 16] is **DENIED AS MOOT**.

The Clerk is respectfully instructed to close this case.

IT IS SO ORDERED.

Signed: November 26, 2024

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
United States District Judge

